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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,109	05/14/2001	La Tondra Murray	RSW9-2000-0147-US1	8729

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Mark D. Simpson, Esquire
Synnestvedt & Lechner
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950

EXAMINER

PITARO, RYAN F

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,109

Applicant(s)

MURRAY, LA TONDRA

Examiner

Ryan F Pitaro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-11,13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This communication is responsive to Amendment A, filed 6/25/2004.
2. Claims 1,3-11,13 are pending in this application. Claims 1,9,11 are independent claims. In the Amendment A, Claims 2,12,14 were canceled, and claims 1,3-11,13 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claim 9 is rejected under 35 U.S.C. 102(e) as being anticipated by Arcuri et al. ("Arcuri", US# 6,121,968).

As per claim 9, Arcuri teaches a method of providing a computer graphical user interface, utilizing a screen interface and a pointing device controlling a pointer, to perform a plurality of related functions, comprising: selecting a selection box through the appropriate positioning and manipulation of the pointer by way of said pointing device, said selection box configured to display a selection set of items (Arcuri, Fig. 2B, 2D); selecting a hot list box through the appropriate positioning and manipulation of said pointer with respect to said selection box, said hot list box configured to display a subset of the items displayable in said selection set (Arcuri, Figs. 2A, 2D; col. 7, lines 23-38); and selecting at least one of said items from said subset using said pointing device. The selection box disclosed by Arcuri is the box bounded by the bottom of the title bar, the left and right sides of the window, and by the menu bar below the selection set of items (Arcuri, Fig. 2), wherein said subset of items displayed in said hotlist box is selectable by a user of said GUI (Arcuri, Figs. 2A, 2D; col. 7, lines 23-38, col. 8 lines 57-61).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1,3-8 and 10-11,13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arcuri.

As per independent claim 1, Arcuri teaches an improved graphical user interface (GUI) having a GUI selection box capable of displaying a selection set of items when a selection menu option is manipulated in a first manner, the improvement comprising: a hot list box displaying a subset of items from said selection set of items when said selection menu option is manipulated in a second manner (Arcuri, Fig. 2A; col. 11, lines 44-46) , wherein said subset of items displayed in said hotlist box is selectable by a user of said GUI (Arcuri, Figs. 2A, 2D; col. 7, lines 23-38, col. 8 lines 57-61). Arcuri does not teach a selection button that is manipulated. OFFICIAL NOTICE is taken that the use of a button to provide further options is well known in the art. It would have been obvious to use a button in place of a menu option in the invention of Arcuri because it would provide more visual feedback to the user by clearly defining the options in the selection box.

As per claim 4, which is dependent on claim 2, Arcuri further teaches an improved GUI as set forth in claim 2, wherein a quantity of items displayed in said hot list box is selectable by the user (Arcuri, Figs. 2A, 2D; col. 7, lines 23-38).

As per claim 5, which is dependent on claim 2, Arcuri further teaches an improved GUI as set forth in claim 2, wherein a method of determining which of said items from said selection set are to be displayed in said hot list is selectable by the user (Arcuri, col. 1, lines 46-56). By allowing a user to drag menu items to and from the

menu and use those menu items, the user is determining which menu items be displayed.

As per claim 6, which is dependent on claim 5, Arcuri further teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list comprises listing the most recently selected items (Arcuri, col. 7, lines 39-51).

As per claim 7, which is dependent on claim 5, Arcuri further teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list comprises listing the frequently selected items (Arcuri, col. 8, lines 67-75).

As per claim 8, which is dependent on claim 5, Arcuri further teaches an improved GUI as set forth in claim 5, wherein said method of determining which of said items from said selection set are to be displayed in said hot list is applied to said hot list only after a predetermined number of items are to be displayed in said hot list (Arcuri, col. 7, lines 33-38).

As per claim 10, which is dependent on claim 1, Arcuri does not teach the method of claim 1, wherein said complete menu is selected by right-clicking a button on said selection menu using said pointing device. However, Arcuri teaches accessing the long menu by clicking on a specific section of the menu notated by chevron marks (Arcuri, col. 10, lines 41-48). It would have been obvious to one skilled in the art at the time of invention to use a section of the menu rather than a right-click to access the long

menu because a specific section of the menu would provide the user with immediate visual feedback as to the existence of more menu options.

Independent claims 11 and 13 are similar in scope to claim 1, and is therefore rejected under similar rationale.

Response to Arguments

7. Applicant's arguments filed 6/25/2004 have been fully considered but they are not persuasive.

As per claim 9, Applicant argues that user does not select which items will appear in the hot list. The Examiner respectfully disagrees since Arcuri specifically states that a command selected by the user will be added to the short menu. The Examiner further points out col. 8 lines 57-61 of Arcuri.

Furthermore, the Office notes that applicant did not contest the factual assertion set forth under Official Notice on pages 4 of the Office Action of 12/23/2003.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm M-Th, and alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art Unit 2174
Patent Examiner

RFP

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100